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SHELEHEDA, JAMES R				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/880,848

Applicant(s)

STALLWORTH, F. DAVID

Examiner

JAMES SHELEHEDA

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-11,13-16,20-23 and 29-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-11,13-16,20-23 and 29-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/09/09 has been entered.

Response to Arguments

2. Applicant's arguments filed 04/09/09 have been considered but are moot in view of the new ground(s) of rejection.

Upon further review of applicant's specification, it is noted that all of the newly claimed limitations consist of disclosure conceded by applicant as prior art (see Fig. 1, paragraphs 6-8, 12-14).

Claim Objections

3. Claim 1 is objected to because of the following informalities: In claim 1, line 10, "a packetized data signal" should be changed to --the packetized data signal--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Tomich et al. (Tomich) (5,983,068) (of record) and Farber et al. (Farber) (6,486,907) (of record).

As to claim 1, while applicant's admitted prior art discloses a system for delivering to a plurality of subscribers located on a second side of a right of way a video signal (paragraphs 13-18), the system comprising:

(a) a central office located on a first side of a right-of-way (102, Fig. 1; paragraphs 15-17);

wherein the central office transmits both a telephony signal and a packetized data signal over the same fiber optic network (Fig. 1; paragraph 12-14), and

a plurality of optical network units on the second side of the right of way (Fig. 1, 108, an ONU for each subscriber or group of subscribers; paragraph 7), wherein the plurality of optical network units separate the combined signal into the video signal, the telephony signal and the packetized data signal (paragraph 14), and route the video signal, the telephony signal and the packetized data signal to the plurality of subscribers (paragraph 14), each of the optical network units connected to the fiber optic network via a dedicated fiber optic strand (Fig. 1; paragraphs 6-8),

it fails to specifically disclose a plurality of multiplexers in communication with the central office, wherein the central office transmits signals to the multiplexers, the multiplexers being located on the second side of the right of way opposite the first side such that the signals must cross the right of way to reach the plurality of multiplexers, a wireless receiver located on the second side of the right-of-way the wireless receiver receiving the video signal and transmitting the video signal to the plurality of multiplexers, the plurality of multiplexers combining the video signal, the telephony signal and the data signal into a combined signal for routing to the plurality of subscribers wherein the plurality of optical network units are directly coupled to the plurality of subscribers.

In an analogous art, Tomich discloses a system for delivering to a plurality of subscribers located on a second side of a right of way a video signal that is free from a right-of-way franchise fee (Fig. 1; column 3, lines 31-49), comprising a multiplexer in communication with a central office (Fig. 1 and 6; head end unit, 20 for one particular neighborhood group; column 8, lines 26-46), wherein the central office transmits signals to the multiplexer (transmitting phone signals; Fig. 6; column 4, lines 10-23), the multiplexer being located on the second side of the right-of-way opposite the first side such that the telephony signal must cross the right-of-way to reach the multiplexer (the head end unit, 20, being located on the private residential property; Fig. 1) and a wireless receiver located on the second side of the right-of-way (102, 104, 106, Fig. 6), the wireless receiver receiving the video signal and transmitting the video signal to the multiplexer (column 8, lines 26-46 and column 4, lines 10-24), the multiplexer combining

the video signal and the telephony signal into a combined signal for routing to the subscriber (column 8, lines 26-46 and column 7, lines 54-61), an optical network unit on the second side of the right of way in communication with the multiplexer (within the user set top box, 24; column 4, lines 37-47), and in communication with the subscriber (Fig. 2; column 4, lines 24-37), wherein the unit separates the combined signal into the separate signals (column 5, lines 36-57) for the typical benefit of allowing distribution to a plurality of subscribers in a neighborhood (column 2, lines 8-18), so as to increase the economic leverage of the group and create a better negotiation position for reducing the prices of services (column 1, lines 8-27).

Additionally, in an analogous art, Farber discloses a video distribution system (Fig. 1-2; column 4, lines 17-61) wherein signals are transmitted to an optical network unit directed coupled to a plurality of subscribers (16, 46; Fig. 1-2; column 4, line 40-column 5, line 9 and column 6, lines 43-56) for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling (Fig. 1-2; column 4, lines 17-24).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify applicant's admitted prior art to include a plurality of multiplexers in communication with the central office, wherein the central office transmits signals to the multiplexers, the multiplexers being located on the second side of the right of way opposite the first side such that the signals must cross the right of way to reach the plurality of multiplexers, a wireless receiver located on the second side of the right-of-way the wireless receiver receiving the video signal and transmitting the

video signal to the plurality of multiplexers, the plurality of multiplexers combining the video signal, the telephony signal and the data signal into a combined signal for routing to the plurality of subscribers, as taught in *combination* with Tomich, for the typical benefit of allowing distribution to a plurality of subscribers in a neighborhood, so as to increase the economic leverage of the group and create a better negotiation position for reducing the prices of services.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify applicant's admitted prior art and Tomich to include wherein the optical network unit is directed coupled to the plurality of subscribers, as taught in *combination* with Farber, for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling.

As to claim 2, Applicant's admitted prior art, Tomich and Farber disclose wherein the optical network unit receives the combined signal (column 4, lines 24-47 and column 5, lines 36-57) and de-multiplexes the combined signal into the video signal, telephony signal and the packetized data signal (column 5, lines 36-57) and routes the video signal, telephony signal and packetized data signal to the plurality of subscribers (Fig. 2; column 5, lines 36-57).

As to claim 5, Applicant's admitted prior art, Tomich and Farber disclose wherein the wireless receiver receives the video signal as an electronic signal (column 4, lines

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10-23) and converts the signal to a fiber optical signal to deliver the video signal through a fiber optic strand to the multiplexer (column 4, lines 10-43).

As to claim 6, Applicant's admitted prior art, Tomich and Farber disclose wherein the wireless receiver is a radio receiver (RF satellite and wireless receivers; column 4, lines 10-23).

As to claim 8, Applicant's admitted prior art, Tomich and Farber disclose wherein the video signal is transmitted over a first wavelength and wherein the telephony signal is transmitted over a second wavelength that is different then from the first wavelength (wherein the signal types have different transmission frequencies and thus different wavelengths; column 4, lines 10-23).

As to claim 10, Applicant's admitted prior art, Tomich and Farber disclose wherein the right-of-way franchise fee is imposed by a local governing authority (wherein a right-of-way franchise fee *is* a government imposed fee, see applicant's specification at paragraph 15-18).

As to claim 7, while the above combination discloses a multiplexer to combine video and data signals, they fail to specifically disclose a wave division multiplexer.

Applicant's conceded that the prior art discloses the use of a wave division multiplexer (see specification at page 5, paragraph 13) when combining video and data

signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit the video and data signals over different frequencies (see specification at page 5, paragraph 13) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior art to include a wave division multiplexer, as taught by applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

As to claim 9, while the above combination discloses a multiplexer to combine a first video signal and a second data signal at different wavelengths, they fail to specifically disclose wherein the first signal is transmitted over a 1550 nanometer wavelength and the second signal is transmitted over a 1310 nanometer wavelength.

Applicant's conceded that the prior art discloses the use of multiplexer (see specification at page 5, paragraph 13) when combining video and data signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit a first video signal

over a 1550 nanometer wavelength (see specification at page 5, paragraph 13) and a second data signal over a 1310-nanometer wavelength (see Applicant's specification at page 5, paragraph 13) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior art to include wherein the first signal is transmitted over a 1550 nanometer wavelength and the second signal is transmitted over a 1310 nanometer wavelength, as taught in combination with applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

6. Claims 11, 13-16, 20-23 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomich in view of Farber and Applicant's admitted prior art.

As to claims 11 and 30, while Tomich discloses a method for delivering to a plurality of subscribers a first signal that is subject to right-of-way franchise fees (Fig. 1; column 3, lines 31-49), wherein the method:

(a) transmitting a second signal and a third signal from a first side of the right of way (phone and cable, 108 and 110; column 4, lines 10-23, Fig. 1), through the right of way, to a second side of the right of way, wherein the first side is opposite the second

side, the second signal comprising at least a voice signal (PSTN telephone signals; column 4, lines 10-24);

(b) receiving via a wireless communication the first signal on the second side of the right-of-way such that the first signal does not pass through the right-of-way (wireless signal received on the private residential property; Fig. 1), the first signal comprising at least a video signal (satellite video; column 4, lines 10-23),

(c) combining the first signal, the second signal and the third signal into a combined signal on the second side of the right of way (column 8, lines 26-46 and column 7, lines 54-61),

(d) routing the combined signal in the direction of the subscriber (Fig. 1; column 8, lines 26-46 and column 7, lines 54-61), wherein the subscriber is on the second side of the right-of-way (residential neighborhood; Fig. 1);

(e) separating the combined signal into the first signal, the second signal and the third signal using an optical network unit (column 4, lines 24-47 and column 5, lines 36-57); and

(f) routing the first signal, the second signal and the third signal to the subscriber (Fig. 2; column 5, lines 36-57),

he fails to specifically disclose wherein the optical network unit is directed coupled to the plurality of subscribers and wherein the third signal comprises at least packetized data, the second and third signal transmitted through the via the same fiber optic network.

In an analogous art, Farber discloses a video distribution system (Fig. 1-2; column 4, lines 17-61) wherein signals are transmitted to an optical network unit directed coupled to a plurality of subscribers (16, 46; Fig. 1-2; column 4, line 40-column 5, line 9 and column 6, lines 43-56) for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling (Fig. 1-2; column 4, lines 17-24).

Additionally, applicant's admitted prior art discloses a system (Fig. 1) wherein both telephony signals and packetized data signals are multiplexed and transmitted over the same fiber optic network (paragraph 12) for the typical benefit of allowing telephone providers ways to capitalize on excess bandwidth by providing subscribers with expanded and integrated services (paragraph 12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tomich's system to include wherein the optical network unit is directed coupled to the plurality of subscribers, as taught in combination with Farber, for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tomich and Farber's system to include wherein the third signal comprises at least packetized data, the second and third signal transmitted through the via the same fiber optic network, as taught in combination with applicant's admitted prior art, for the typical benefit of allowing telephone providers ways to capitalize on excess bandwidth by providing subscribers with expanded and integrated services.

As to claim 20, while Tomich discloses a method for delivering to a plurality of subscriber a first signal that is free of right-of-way franchise fees (Fig. 1; column 3, lines 31-49), wherein the method comprises:

(a) transmitting a second signal from a central office through a right of way (service providers providing the television, phone or data signals located outside of the local neighborhood; column 4, lines 10-23, Fig. 1) to a multiplexer (column 8, lines 26-46 and column 7, lines 54-61), wherein the central office is located on a first side of the right of way and the multiplexer is located on a second side of the right of way opposite the first side (column 4, lines 10-23, Fig. 1), the second signal comprising at least a voice signal (via the PSTN; column 4, lines 10-23, Fig. 1);

(b) receiving the first signal at a wireless receiver (102, 104 and 106), located on the second side of the right-of-way (wireless signal received on the private residential property; Fig. 1), the first signal comprising at least a video signal (satellite video; column 4, lines 10-23, Fig. 1);

(c) transmitting the first signal from the wireless receiver to the multiplexer (column 8, lines 26-46 and column 7, lines 54-61) without crossing the right of way (Fig. 6);

(d) combining the first signal and the second signal into a combined signal at the multiplexer (column 8, lines 26-46 and column 7, lines 54-61);

(e) routing the combined signal from the multiplexer to a local terminal (Fig. 1; column 8, lines 26-46 and column 7, lines 54-61) that is located on the second side of the right of way (residential neighborhood; Fig. 1);

(f) separating the combined signal into the first signal and the second signal at the local terminal by an optical network unit (column 4, lines 24-47 and column 5, lines 36-57); and

(f) routing the first signal and the second signal from the local terminal to the subscriber (Fig. 2; column 5, lines 36-57) wherein the subscriber is located on the second side of the right-of-way (residential neighborhood; Fig. 1), he fails to specifically disclose wherein the optical network unit is directed coupled to the plurality of subscribers and wherein the central office transmits a third signal comprising at least packetized data, the second signal and the third signal transmitted through the right of way via the same network.

In an analogous art, Farber discloses a video distribution system (Fig. 1-2; column 4, lines 17-61) wherein signals are transmitted to an optical network unit directed coupled to a plurality of subscribers (16, 46; Fig. 1-2; column 4, line 40-column 5, line 9 and column 6, lines 43-56) for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling (Fig. 1-2; column 4, lines 17-24).

Additionally, applicant's admitted prior art discloses a system (Fig. 1) wherein both telephony signals and packetized data signals are multiplexed and transmitted over the same fiber optic network (paragraph 12) for the typical benefit of allowing

telephone providers ways to capitalize on excess bandwidth by providing subscribers with expanded and integrated services (paragraph 12).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tomich's system to include wherein the optical network unit is directed coupled to the plurality of subscribers, as taught in combination with Farber, for the typical benefit of providing programming to a plurality of subscribers in a multi-unit dwelling.

Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tomich and Farber's system to include wherein the third signal comprises at least packetized data, the second and third signal transmitted through the via the same fiber optic network, as taught in combination with applicant's admitted prior art, for the typical benefit of allowing telephone providers ways to capitalize on excess bandwidth by providing subscribers with expanded and integrated services.

As to claim 21, Tomich, Farber and applicant's admitted prior art disclose wherein the wireless receiver is a satellite receiver (column 4, lines 10-23) and receiving the first signal comprises receiving the first signal in a satellite communication and converting the first signal from an electronic signal to a fiber optical signal (column 4, lines 10-43).

As to claim 22, while the above combination discloses a multiplexer to combine video and data signals, they fail to specifically disclose a wave division multiplexer.

Applicant's conceded that the prior art discloses the use of a wave division multiplexer (see specification at page 5, paragraph 13) when combining video and data signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit the video and data signals over different frequencies (see specification at page 5, paragraph 13) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior art to include a wave division multiplexer, as taught by applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

As to claim 23, while the above combination discloses wherein separating the combined signals comprises transmitting the combined signal to a de-multiplexer that separates the combined signal into the first signal and the second signal (column 5, lines 37-57), they fail to specifically disclose a wave division de-multiplexer.

Applicant's conceded that the prior art discloses the use of a wave division multiplexer (see specification at page 5, paragraph 13) when combining video and data signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit the video and data signals over different frequencies (see specification at page 5, paragraph 13) to a wave division de-multiplexer (required to separate the wave division multiplexed signals; see Applicant's specification at paragraphs 13-14) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior art to include a wave division de-multiplexer, as taught by applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

As to claim 13, while the above combination discloses wherein combining the first and second signal comprises receiving the first signal and the second signal at a multiplexer and multiplexing the first signal with the second signal using the multiplexer, they fail to specifically disclose a wave division multiplexer.

Applicant's conceded that the prior art discloses the use of a wave division multiplexer (see specification at page 5, paragraph 13) when combining video and data signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit the video and data signals over different frequencies (see specification at page 5, paragraph 13) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior art to include a wave division multiplexer, as taught by applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

As to claim 14, Tomich, Farber and Applicant's admitted prior art disclose wherein routing the combined signal comprises routing the combined signal from the wave division multiplexer to a splitter that is in communication with the subscriber (see Tomich at column 5, lines 37-57).

As to claim 16, Tomich, Farber and Applicant's admitted prior art disclose wherein the splitter includes a wave division de-multiplexer (required to separate the

wave division multiplexed signals; see Applicant's specification at paragraphs 13-14), and the step of separating the combined signal comprises separating the combined signal with the wave division de-multiplexer (required to separate the wave division multiplexed signals; see Applicant's specification at paragraphs 13-14).

As to claim 15, while the above combination discloses wherein separating the combined signals comprises transmitting the combined signal to a de-multiplexer that separates the combined signal into the first signal and the second signal (column 5, lines 37-57), they fail to specifically disclose a wave division de-multiplexer.

Applicant's conceded that the prior art discloses the use of a wave division multiplexer (see specification at page 5, paragraph 13) when combining video and data signals for distribution over an optical network (see specification at page 5, paragraph 13) which is smaller and lighter than traditional copper and coaxial cables but can carry much more information (see specification at page 2, paragraph 2) to transmit the video and data signals over different frequencies (see specification at page 5, paragraph 13) to a wave division de-multiplexer (required to separate the wave division multiplexed signals; see Applicant's specification at paragraphs 13-14) for the benefit of ensuring that the data and video signals to be distinguished from one another over a fiber optic wire (paragraph 13) which carries more information over a smaller lighter wire (paragraph 2).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to further modify Tomich, Farber and applicant's conceded prior

art system to include a wave division de-multiplexer, as taught by applicant's conceded prior art, for the benefit of ensuring that the data and video signals to be distinguished from one another when transmitting over a fiber optic wire.

7. Claims 29 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomich, Farber and applicant's conceded prior art and further in view of Burns et al. (Burns) (6.298.373) (of record).

As to claims 29 and 31, while Tomich, Farber and Peterson disclose first (video), second (telephony) and third (packetized data) signals (as set forth in claims 20 and 30 above), and wherein the second and third signals both originate from the same service provider (see Peterson at Fig. 3, paragraph 20-21), they fail to disclose wherein the first (video) signal originates from the same service provider.

In an analogous art, Burns discloses a distribution system (Fig. 6) wherein a content provider will distribute content signals via two separate networks (Fig. 6), including wireless video signals via a satellite connection (column 11, line 49-column 12, line 34 and column 3, lines 32-40) and packetized data signals via a telephone network (column 6, lines 18-35) for the typical benefit supplementing an Internet connection via a secondary network to provide a low cost means to increase bandwidth and lower the latency of user requests (column 5, lines 29-43).

It would have been obvious to one of ordinary skill in the art at the time of invention by applicant to modify Tomich, Farber and Peterson's system to include wherein the first (video) signal originates from the same service provider, as taught by

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Burns, for the typical benefit supplementing an Internet connection via a secondary network to provide a low cost means to increase bandwidth and lower the latency of user requests.

Conclusion

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Signature: _____

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES SHELEHEDA whose telephone number is (571)272-7357. The examiner can normally be reached on Monday - Friday, 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/James Sheleheda/
Examiner, Art Unit 2424

JS